



United States
General Accounting Office
Washington, D.C. 20548

Office of the General Counsel

B-232013

October 12, 1988

President
Fox Painting and Decorating Co.
a/k/a Fox Painting and Decorating, Inc.
252 Kentucky Avenue
Lexington, Kentucky 40502

Dear Mr. [redacted]:

Subject: Fox Painting and Decorating Co.,
a/k/a Fox Painting and Decorating, Inc.

The Assistant Administrator, Employment Standards Administration, United States Department of Labor, by letter dated August 22, 1986, recommended to our Office that Fox Painting and Decorating Company, a/k/a/ Fox Painting and Decorating, Inc., and [redacted], individually and as president of Fox Painting and Decorating Company, a/k/a Fox Painting and Decorating, Inc., be placed on the ineligible bidders list for violations of the Davis-Bacon Act, 40 U.S.C. §§ 276a to 276a-5 (1982), with respect to the above-referenced contracts.

We concur with the Assistant Administrator's recommendation. The Davis-Bacon Act provides that the Comptroller General is to debar persons or firms whom he finds have disregarded their obligations to employees under the Act. 40 U.S.C. § 276a-2. Our review of the record confirms that there were substantial violations in this case which constitute a disregard of obligations to employees with respect to the minimum wage provisions of the Davis-Bacon Act.

The names of Fox Painting and Decorating Company, Fox Painting and Decorating, Inc., and [redacted], were placed on the ineligible bidders list, published by the United States General Services Administration, effective September 25, 1986, for violations of other Acts. The list has been distributed to all departments of the government.

Pursuant to statutory direction at 40 U.S.C. § 276a-2, no contract shall be awarded to them or to any firm, corporation, partnership, or association in which they, or any of them have an interest until 3 years have elapsed from the date, September 25, 1986, they were initially placed on that list.

The back wages due the employees of Fox Painting and Decorating Company, a/k/a Fox Painting and Decorating, Inc., have been disbursed to the wage claimants by our Claims Group in accordance with established procedures.

Sincerely yours,

Robert L. Higgins

For
Henry R. Wray
Associate General Counsel

cc: Sylvester L. Green, Director
Contract Standards Operations
U.S. Department of Labor
Room S3518
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Mr. Oliver W. Krueger
Associate Director/GGD - Claims Group
[Redacted]